

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket 96-45
Universal Service)	
)	DA 03-3105
NPCR, INC. d/b/a NEXTEL PARTNERS)	
)	
Petition for Designation as an)	
Eligible Telecommunications Carrier)	
in the State of Tennessee)	
_____)	

**REPLY COMMENTS OF
NEXTEL PARTNERS**

NPCR, INC. d/b/a NEXTEL PARTNERS

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Date: January 23, 2004

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SUMMARY

Nextel Partners has demonstrated in its Petition for Designation that it meets all of the statutory criteria for designation as an Eligible Telecommunications Carrier (“ETC”) and that it provides, or will provide upon designation all of the “supported services” required by the Commission’s Rules throughout its designated service area. Nextel Partners has also shown that a grant of its Petition is in the public interest for the affected rural telephone company (“RTC”) study areas, because it would result in the benefits of additional competition, greater mobility, access to wireless emergency services, innovative services and technology and enhanced choice for consumers in those RTC study areas.

The commenters in this proceeding do not dispute that Nextel Partners will offer and advertise the Universal Service Fund (“USF”) supported services throughout its designated area. Nor do the commenters present any evidence that the public interest will not benefit from granting Nextel Partners ETC status, or that rural consumers will be harmed by a grant of the Petition. For example, it has not been shown that grant of Nextel Partners’ Petition will have any appreciable affect on the size of the USF.

Many of the issues addressed by the commenters are larger questions of national policy that exceed the scope of this proceeding, which is solely concerned with Nextel Partners’ eligibility for ETC status in Tennessee. The commenters have not provided evidence to support their overarching policy concerns, and in any event are not entitled to have these issues addressed in this proceeding. Nor do the policy issues discussed by the commenters merit a stay of this proceeding, or the imposition of any further delay in granting Nextel Partners ETC status in Tennessee. The Commission must address Nextel Partners’ Petition based on existing law and

precedent. Nextel Partners understands that it, along with all other designated ETCs, will be subject to any changes affecting ETCs that may be promulgated in the future.

In sum, nothing submitted by any commenter in this proceeding has refuted or meaningfully called into question any of the substantive showings made by Nextel Partners in its Petition for Designation. Accordingly, Nextel Partners requests that the Commission grant its Petition without further delay.

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**REPLY COMMENTS OF
NPCR, INC. d/b/a NEXTEL PARTNERS**

NPCR, Inc. d/b/a Nextel Partners (“Nextel Partners”), by its undersigned counsel hereby submits its “Reply Comments” in the above-captioned proceeding in response to comments filed by the National Association of State Utility Consumer Advocates (“NASUCA”), the Organization for the Promotion and Advancement of Small Telecommunications Companies (“OPASTCO”) and Verizon (collectively, the “Commenters”).¹

Nextel Partners’ June 12, 2003 Petition for Designation (the “Petition”) as an Eligible Telecommunications Carrier (“ETC”) demonstrated that Nextel Partners meets all of the statutory criteria for designation as an ETC and provides, or upon designation will provide, in the Designated Areas² of the State of Tennessee all of the services and

¹ See Public Notice, *Wireline Competition Bureau Seeks Comment on NPCR, Inc. d/b/a Nextel Partners Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee*, CC Docket No. 96-45, DA 03-3105 (rel. Oct. 7, 2003); and Nextel Partners, Inc. d/b/a Nextel Partners Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee, 68 Fed. Reg. 75243 (Dec. 30, 2003) (Reply comments due January 23, 2004).

² In its Petition, Nextel Partners refers to the non-rural ILEC wire centers and rural telephone company (“RTC”) study areas in which it seeks ETC status as the “Designated

functionalities required of an ETC pursuant to applicable law. Moreover Nextel Partners has demonstrated that the public interest would be served by designating Nextel Partners as an ETC, and that the public will not be harmed as a result of the grant of Nextel Partners' Petition.³

The Commenters raise a variety of issues, none of which constitutes any legal, factual or policy basis for the denial of Nextel Partners' ETC status. Accordingly, the Commission should grant Nextel Partners ETC status in the Designated Areas of the State of Tennessee without further delay.

A. The Commenters Fail to Address the Substantive Merits of Nextel Partners' Petition for Designation

None of the Commenters disputes Nextel Partners' showing that it meets all of the statutory criteria for designation as an ETC, or that Nextel Partners will offer and advertise all of the USF supported services throughout its designated area. Nor has any Commenter refuted the clear benefits to the public interest that Nextel Partners has outlined in its Petition, or shown why the grant of Nextel Partners' Petition will cause harm to the public.

Areas.” Nextel Partners has determined not to seek ETC designation in certain non-rural ILEC wire centers in BellSouth SAC 295185 set forth in **Exhibit 1** hereto and therefore withdraws these study areas from consideration in this proceeding. For the sake of convenience, **Exhibit 1** also sets forth separately the remaining BellSouth wire centers in SAC 295185 for which Nextel Partners continues to request designation.

³ See, e.g., *In the Matter of Federal-State Joint Board on Universal Service: Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, FCC 03-338 (rel. January 22, 2004) (“*Virginia Cellular*”) at ¶ 26 *et seq.* In *Virginia Cellular*, the Commission established a new “balancing test” for the public interest analysis, which considers “whether the benefits of an additional ETC . . . outweigh any potential harms.” *Virginia Cellular* at ¶ 28.

For example, OPASTCO broadly asserts that Nextel Partners' petition "is based entirely on vague generalities regarding the generic benefits of competition."⁴ OPASTCO, however, provides no empirical evidence to refute the showings of specific benefits to the public made by Nextel Partners in its Petition, including the advantages of mobility, a larger local calling area than the incumbent carrier and (where requested by the PSAP) GPS location assistance for customers calling 911.⁵ The other two remaining Commenters (NASUCA and Verizon) do not even address the merits of Nextel Partners' Petition.

B. Designation of Nextel Partners as an ETC is in the Public Interest

The record in this proceeding clearly demonstrates that Nextel Partners' designation as an ETC will benefit Tennessee telecommunications users. These consumers are the focus of the goals of Universal Service.⁶ Under the Commission's Universal Service policies, consumers residing in high cost areas and low income consumers in the State of Tennessee should be afforded the same opportunities as other consumers to choose a telecommunications carrier, to access new technologies, realize the benefits of mobility and access to wireless emergency services and to select from a menu of innovative services.⁷

⁴ OPASTCO Comments at 5.

⁵ See Nextel Partners Petition at 7.

⁶ See *Alenco Communications Inc. et al. v. FCC*, 201 F.3d 608, 620 (5th Cir. 2000) ("*Alenco Communications*").

⁷ See *Virginia Cellular* at ¶¶ 12 and 29 and Separate Statement of Chairman Michael K. Powell at ¶ 1 ("we recognize the unique value that mobile services provide to rural consumers by giving added substance to the public interest standard by which we evaluate wireless eligible telecommunications carriers.") See also *In the Matter of Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776 at ¶¶ 4, 21 (1997) ("Universal Service Order"). See also *Application of WWC Texas RSA Limited*

Wireless carriers such as Nextel Partners add the element of mobility to the provision of Universal Service Fund (“USF”) supported services -- a valuable option that the incumbent wireline LEC cannot match. This essential difference is particularly beneficial to consumers in rural areas, including remote roads and highways, where wireline telephones are more widely spaced than in concentrated urban areas. As the Commission emphasizes in its recent *Virginia Cellular* decision:

. . . the mobility of telecommunications assists consumers in rural areas who often must drive significant distances to places of employment, stores, schools, and other critical community locations. In addition, the availability of a wireless universal service offering provides access to emergency services that can mitigate the unique risks of geographic isolation associated with living in rural communities.⁸

In addition, Nextel Partners typically offers a much larger local calling area than the RTCs it competes with, and this is a significant benefit to consumers.⁹ All of the foregoing benefits are in the public interest and advance the goals of Universal Service.¹⁰ Accordingly, as established in Nextel Partners’ Petition for Designation, Nextel Partners’ designation as an ETC in the Designated Areas would unquestionably serve the interest of the public in the State of Tennessee.¹¹

Partnership for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. § 214 (e) and PUC SUBST. R. 26.418, PUC Docket Nos. 22289 and 22295, SOAH Docket Nos. 473-00-1167 and 473-00-1168 (Texas Public Utility Commission, October 30, 2000) (“*Texas PUC Order*”) at 2.

⁸ *Virginia Cellular* at ¶ 29.

⁹ Moreover, unlike some other wireless carriers, Nextel Partners does not impose any “roaming” charges for the use of its nationwide service. *See Virginia Cellular* at ¶ 29.

¹⁰ *See, e.g., RCC Order* at ¶¶ 23-24.

¹¹ *See, e.g., Western Wireless Wyoming Order* at ¶15 (“[d]esignation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”).

None of the Commenters in this proceeding even attempts to dispute Nextel Partners' showing that its designation as an ETC in the State of Tennessee will benefit the public interest. For example, NASUCA's comments do not address the merits of Nextel Partners' Petition for Designation, but are exclusively concerned with broader issues of national policy, such as the binding nature of subsequent rule changes,¹² the content of the "public interest test,"¹³ and whether designation of multiple ETCs in a given RTC study area should be keyed to the amount of per-line support received by the incumbent.¹⁴ In fact, NASUCA does not oppose Nextel Partners' designation as an ETC in Tennessee, but merely advocates the inclusion of additional requirements in the overall ETC designation process.¹⁵

Likewise, OPASTCO's comments are also almost exclusively concerned with matters of national policy, and do not address the merits of Nextel Partners' application in any meaningful fashion. OPASTCO's assertion that Nextel Partners' petition has not made a proper public interest showing because it has failed to consider the "public costs" of granting high cost support to Nextel Partners is not persuasive.¹⁶ OPASTCO has not provided any evidence that grant of Nextel Partners' Petition in this proceeding would result in any "public costs" or any other identifiable harm. While OPASTCO states that

¹² NASUCA Comments at 2. *See also* Section D hereof, *infra*.

¹³ NASUCA Comments at 2-3.

¹⁴ NASUCA Comments at 3.

¹⁵ Since NASUCA is in essence requesting the adoption of new rules, its request is more akin to a rulemaking proposal than a substantive comment that must be taken into account in the context of a designation proceeding for Nextel Partners, or for that matter, any particular ETC petitioner. In any event, to the extent that the additional requirements are made applicable to competitive ETCs, Nextel Partners will be bound by them, as will other ETCs. *See* the discussion contained in Section D, page 11 hereof, *infra*.

¹⁶ *See* OPASTCO Comments at 5.

it is concerned about increasing the size of the USF fund,¹⁷ OPASTCO makes no attempt to show that grant of Nextel Partners' Petition will have any appreciable effect on the size of the fund. *See* Section C. hereof, *infra*.

Finally, Verizon does not address the merits of Nextel Partners' Petition, but only requests generally that all pending ETC petitions be held in abeyance pending the resolution of issues raised in the Joint Board's portability proceeding.¹⁸ Accordingly, the substance of Nextel Partners' showing in its Petition that its designation as an ETC in the State of Tennessee will benefit the public interest has not been challenged by any Commenter in this proceeding. Under the Commission's new public interest "balancing test" set forth in *Virginia Cellular*, Nextel Partners' Petition should be granted without further delay.¹⁹

C. The Policy Arguments Raised by the Commenters Are Beyond the Scope of this Proceeding, and Fail to Justify a Stay

This proceeding is solely concerned with the question of Nextel Partners' qualifications to be granted ETC status, and is not a general forum for the consideration of national policies regarding Universal Service. To the extent that the arguments raised by the Commenters seek to address larger questions of policy, they exceed the scope of this proceeding and cannot be addressed in the context of determining Nextel Partners' qualification for ETC status.²⁰

¹⁷ *Id.* at 3.

¹⁸ *See* Verizon Comments at 1-2.

¹⁹ Nextel Partners recognizes that, as a result of the Commission's decision in *Virginia Cellular*, ETC petitioners may be requested to make additional commitments with respect to their designations in rural study areas.

²⁰ *See, e.g., RCC Order* at ¶ 32 ("We recognize that these parties raise important issues regarding universal service high-cost support. We find, however, that these concerns are

OPASTCO and Verizon nevertheless request that the Commission stay consideration of Nextel Partners' Petition pending the resolution of policy issues that exceed the scope of this proceeding.²¹ OPASTCO proposes that the Commission consider staying the instant proceeding pending resolution of high-cost support and other USF issues presently before the Federal-State Joint Board.²² Verizon suggests that a stay is necessary to prevent additional ETC designations in non-rural areas from threatening the access charge framework established by the CALLS Order in CC Docket Nos. 96-262 and 94-1.²³ In *Virginia Cellular*, the Commission rejected similar suggestions as unnecessary.²⁴

The possibility of a future change in rules generally affecting the designation of ETCs and/or the distribution of support from the USF cannot justify staying Nextel Partners' request for designation as an ETC in Tennessee. The Commission is bound to abide by *existing* rules and policies in all proceedings.²⁵ The Commission has stated that

beyond the scope of this Order, which considers whether to designate a particular carrier as an ETC.”)

²¹ See OPASTCO Comments at 2; Verizon Comments at 1-2.

²² See OPASTCO Comments at 2. OPASTCO claims that there is “precedent” for staying ETC designations, referring to a 1993 Order from the Commission that imposed an indexed cap on USF support for local exchange carriers on an interim basis. See OPASTCO Comments at 4 n.10; see also *Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board*, 9 FCC Rcd 303 (1993). This assertion, however, is fatally flawed, since the cited case, which predates the 1996 Act, neither stays any Commission proceeding, nor affects the eligibility of any ETC applicant, but merely adjusts the funding for ILECs on a temporary basis.

²³ See Verizon Comments at 1-2.

²⁴ *Virginia Cellular* at ¶ 31.

²⁵ *CSRA Cablevision, Inc.*, 47 FCC 2d 572 at ¶ 6 (1974) (“Under the Administrative Procedure Act and the relevant judicial decision, the Commission is bound to follow its existing rules until they have been amended pursuant to the procedures specified by that act.”).

it is informally committed to resolving ETC designation petitions in a six-month time frame, recognizing that “excessive delay in the designation of competing providers may hinder the development of competition and the availability of service in many high-cost areas.”²⁶ Staying the instant proceeding would “unnecessarily delay resolution of this matter well beyond the Commission’s informal [six month] commitment.”²⁷

OPASTCO raises the specter of imminent ballooning of the USF as grounds for a stay, asserting that if Nextel Partners is granted ETC designation in Tennessee, then all CMRS providers everywhere will seek and obtain ETC designation.²⁸ OPASTCO estimates that if all CMRS providers nationwide were to apply for and receive ETC status, the annual funding level of the High-Cost program would increase by approximately \$2 billion.²⁹ However, OPASTCO provides no evidence demonstrating that all CMRS providers intend to be designated as ETCs.³⁰ In fact, there has been no

²⁶ *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved Areas and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12264 (2000) (“*Twelfth Report and Order*”).

²⁷ See *RCC Order* at n.27.

²⁸ See OPASTCO Comments at 2-3.

²⁹ See OPASTCO Comments at 3.

³⁰ Nextel Partners’ primary business focus is the provision of services in mid-sized and tertiary markets. This business focus makes Nextel Partners a natural and high-priority candidate for ETC designation. But not every CMRS carrier is interested in pursuing an active course of providing the required services for ETC designation and building out a network in high-cost areas. There is no reason to believe that wireless ETCs pose any greater risk than wireline ETCs to the survival of the Universal Service Fund.

flood of wireline ETC petitioners and there is no reason to assume that wireless carriers will act differently by seeking to obtain ETC designation *en masse*.³¹

A review of the data reveals that it is the rural ILECs that are responsible for the growth of the fund. For example, in 2000, wireless ETCs received less than \$1.5 million in high cost support, whereas the rural LECs received almost \$2.03 billion in high cost support in that same year.³² Assuming a highly optimistic growth projection, wireless ETC funding is anticipated to rise to, at most, approximately \$102 million for 2003, compared to the approximately \$3.2 billion in high cost funding that rural LECs are anticipated to have received during the same time period.³³

Moreover, in developing support mechanisms, the Commission was aware that the USF would grow as competitive ETCs entered the market, and the Commission adopted mechanisms that would allow for adjustment over time.³⁴ The funding³⁵ and all

³¹ In fact, as recently established in the record of WT Docket 02-381 by the Universal Service Administrative Company, by the end of 2002, there were only 44 wireless competitive ETCs in operation, with only 29 receiving High Cost Program support. Total subsidies paid to these wireless ETCs for the provision of Universal Service supported services amounted to less than \$63 million for all categories of High Cost Support combined. See March 25, 2003 Letter and Attached Spreadsheet from Linda J. Miller, Deputy General Counsel of Universal Service Administrative Company in WT Docket 02-381.

³² See Reply Comments of CTIA, *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 (June 3, 2002) at 3.

³³ See *id.*

³⁴ See *MAG Order* at ¶ 11 (“The plan adopted today will provide certainty and stability for rural carriers for the next five years, enabling them to continue to provide supported services at affordable rates to American consumers. While we take an important step today on rural universal service reform, our task is not done. Our universal service rules cannot remain static in a dynamic marketplace. As we move forward, we will continue to refine our policies to preserve and advance universal service, consistent with the mandates in section 254.”); see also *In the Matter of Federal-State Joint Board on Universal Service*, Notice of Proposed Rulemaking, 18 FCC Rcd 2932, ¶ 84 (2003)

of the core services³⁶ were discussed in length, reviewed by the Joint Board, reconsidered in the recent Order and Order on Reconsideration³⁷ and, in some cases, litigated.³⁸ In establishing the funding mechanisms, the Commission struck a balance between the concerns of all types of parties and carriers, including consideration of issues involving wireless ETC designation.³⁹ To prevent designation of competitive ETCs as the Commission moves into the implementation phase of these decisions is troubling at best, and antithetical to the underlying purposes of the Act.⁴⁰ After the ILECs fought to increase the amount of funding to support embedded costs,⁴¹ they are now using the size of the fund as an argument to prevent the entry of competitors.⁴² This position is

(wherein the Commission is already working to address anticipated future growth in the USF resulting from the entry of additional wireless ETCs during the next several years).

³⁵ See, e.g., *In the Matter of Federal-State Joint Board on Universal Service*, Ninth Report and Order and Eighteenth Order on Reconsideration, 14 FCC Rcd 20452, ¶ 90 (1999) (discussing support of second lines and the lines of non-ILEC ETCs).

³⁶ See *Competitive ETC Order* at ¶ 7.

³⁷ *Id.*

³⁸ See, e.g., *Alenco Communications*.

³⁹ See *MAG Order* at ¶ 17 (“The Recommendation represents the consensus of individual Rural Task Force members, who work for a broad range of interested parties, often with competing interests, including rural telephone companies, competitive local exchange carriers, interexchange carriers, wireless providers, consumer advocates, and state and federal government agencies”), ¶ 178 (“All telecommunications carriers, including commercial mobile radio service (CMRS) carriers that provide supported services, regardless of the technology used, may be eligible to receive federal universal service support”), and ¶ 180 (“we adopt the Rural Task Force’s recommendation that a wireless mobile carrier use a customer’s location ... for purposes of receiving high-cost universal service support”).

⁴⁰ See *Alenco Communications* at 619.

⁴¹ See *MAG Order* at ¶¶ 6-8.

⁴² In non-rural study areas, the OPASTCO’s anticompetitive “ballooning” argument, which OPASTCO has attempted to cloak in the guise of a “public interest” concern over the size of the fund, is irrelevant since no separate public interest determination is required under the Act for non-rural study areas.

disingenuous and does not warrant further delay of the grant of Nextel Partners' ETC designation.

D. Potential Future Rule Changes Cannot Justify Further Delay in the Grant of Nextel Partners' ETC Petition

NASUCA asks the Commission to ensure that ETCs comply with applicable rules that may be adopted in the future with regard to competitive ETC designation. As a practical matter, Nextel Partners and all other ETC petitioners must comply with Commission Orders. As noted above, there is no legitimate basis for holding ETC designation proceedings in abeyance pending the outcome of Commission proceedings that may or may not fully implement Joint Board recommendations. This was clearly recognized by the Commission in a recent Order in Docket 96-45, in which the Commission stated:

We note that the outcome of the Commission's pending proceeding examining the rules relating to high-cost universal service support in competitive areas could potentially impact, among other things, the support that competitive ETCs may receive in the future. *As such, we recognize that any grant of competitive ETC status pending completion of that proceeding will be subject to whatever rules are established in the future.* We intend to proceed as expeditiously as possible to address the important and comprehensive issues that are being raised.⁴³

In sum, none of the public policy arguments made by the Commenters in this proceeding has any bearing on the only relevant question at hand, which is whether Nextel Partners' Petition for Designation as an ETC in the State of Tennessee that is presently before the Commission should be granted.

⁴³ *In the Matter of the Federal-State Joint Board on Universal Service*, Order and Order on Reconsideration, 2003 FCC Lexis 3915 at ¶ 34 (emphasis supplied) ("*Competitive ETC Order*"). See also *Virginia Cellular* at ¶ 12.

Conclusion

For the reasons set forth above, Nextel Partners requests that the Commission promptly grant its Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee.

Respectfully submitted,

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Date: January 23, 2004

EXHIBIT 1

1. Non-Rural ILEC Wire Centers Withdrawn from Petition for Designation as an ETC (BellSouth SAC 295185)

BLGPTNMA	BULLS GAP
CHTGTNBR	CHATTNOOGA
CHTGTNDT	CHATTNOOGA
CHTGTNHT	CHATTNOOGA
CHTGTNNS	CHATTNOOGA
CHTGTNRB	CHATTNOOGA
CHTGTNSM	CHATTNOOGA
CLEVTNMA	CLEVELAND
CLTNTNMA	CLINTON
CLVLTNMA	CLARKSVL
CRVLTNMA	COLLIERVL
DNRGTNMA	DANDRIDGE
FKLNTNCC	FRANKLIN
FKLNTNMA	FRANKLIN
FRDNTNMA	SOFREDONIA
FYVLTNMA	FAYETTEVL
GRVLTNXA	GREENEVL
HCRDTNXA	HLSCRSSRDS
HDVLTNMA	HENDERSNVL
HHNWTNMA	HOHENWALD
JCSNTNMA	JACKSON
JFCYTNMA	JEFFERSNCY
JLLCTNMA	JELLICO
KNVLTNBE	KNOXVILLE
KNVLTNFC	KNOXVILLE
KNVLTNMA	KNOXVILLE
KNVLTNWH	KNOXVILLE

Exhibit 1 (cont'd)

KNVLTNYH	KNOXVILLE
LBNNTNMA	LEBANON
LFLT TNMA	LAFOLLETTE
LNCYTNMA	LENOIRCITY
LODNTNMA	LOUDON
LYLSTNMA	SPENCERMIL
MAVL TNMA	MARYVILLE
MCKNTNMA	MCKENZIE
MMPHTNBA	MEMPHIS
MMPHTNCK	MEMPHIS
MMPHTNCT	MEMPHIS
MMPHTNEL	MEMPHIS
MMPHTNGT	MEMPHIS
MMPHTNMA	MEMPHIS
MMPHTNMT	MEMPHIS
MMPHTNOA	MEMPHIS
MMPHTNSL	MEMPHIS
MMPHTNWW	MEMPHIS
MNCHTNMA	MANCHESTER
MRBOTNMA	MURFREESBO
MRTWTNMA	MORRISTOWN
MSCTTNMT	MASCOT
NSVL TNAP	NASHVILLE
NSVL TNBW	NASHVILLE
NSVL TNCH	NASHVILLE
NSVL TNDO	NASHVILLE
NSVL TNHH	NASHVILLE
NSVL TNIN	NASHVILLE
NSVL TNMC	NASHVILLE
NSVL TNMT	NASHVILLE
NSVL TNST	NASHVILLE

Exhibit 1 (cont'd)

NSVLTNUN	NASHVILLE
OKGVKYES	SOOAKGROVE
OKRGTNMT	OAK RIDGE
PSVWTNMT	PLEASANTVW
PTLDTNMA	PORTLAND
SANGTNMT	EASTSANGO
SHCPTNXA	SHARPSCHPL
SMYRTNMA	SMYRNA
SVVLTNMT	SEVIERVV
SWTWTNMT	SWEETWATER
TLLHTNMA	TULLAHOMA
UNCYTNMA	UNION CITY
WHBLTNMT	WHITEBLUFF
WHHSTNMA	WHITEHOUSE
WHPITNMA	WHITE PINE

2. **Non-Rural ILEC Wire Centers For Which Nextel Partners Continues to Request Designation as an ETC (BellSouth SAC 295185)**

RRVLTNMA	ROGERSVL
SNVLTNMA	SNEEDVILLE
SRVLTNMA	SURGOINSVL

CERTIFICATE OF SERVICE

The undersigned, an attorney in the law firm of Catalano & Plache, PLLC hereby certifies that on this 23rd of January, 2004, a true and correct photocopy of the foregoing "Reply Comments" was sent, via US First Class Mail, postage prepaid, to the following persons:

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